IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

WP(C).No. 3704 of 2007(N)

PETITIONERS

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1. M.C.POULOSE, AGED 60, S/O.CHACKO,
   MANJALI HOUSE, VANIAMPARA, PANAMCHERY VILLAGE,
   THRISSUR DISTRICT.

2. SIVAKUMAR P.N., S/O. NARAYANAN,
   PAROTHINGAL HOUSE, VANIAMPARA,
   PANAMCHERY, THRISSUR DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
   THRISSUR COLLECTORATE, AYYANTHOLE,
   THRISSUR.

2. THE NATIONAL HIGHWAY AUTHORITY OF INDIA,
   REP. BY THE CHIEF ENGINEER, PALAKKAD.

3. THE UNION OF INDIA, REP. BY THE
   SECRETARY TO THE GOVERNMENT, ROAD AND SURFACE
   TRANSPORT DEPARTMENT, NEW DELHI.

4. THE VILLAGE OFFICER, PANANCHERY VILLAGE
   OFFICE, THRISSUR DISTRICT.

5. THE VILLAGE OFFICER, PEECHI VILLAGE
   OFFICE, THRISSUR DISTRICT.

6. THE TAHSILDAR, TALUK OFFICE,
   THRISSUR.

R3 BY ADV. SRI. AJITH KRISHNAN, ADDL.CGSC
R2 BY ADV.SRI.THOMAS ANTONY
R1, R4 TO R6 BY G.P. SHRI L.G.SURESH BABU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR ,J

W.P.(C) No.3704 of 2007 N

Dated, this the 20th day of August, 2007

JUDGMENT

Heard.

2. Learned standing counsel appearing for the National Highway Authority submits that the proceedings challenged in this Writ Petition is not a proceedings under the Land Acquisition Act but under the National Highways Act, 1956 (for short 'the Act'). It is submitted that notification under Section 3A(1) of the Act was published in the Gazette of India as early as on 21.10.2005 for which nobody had filed any objection. It is submitted that the above notification was published in 'Malayala Manorama daily' dated 24.11.2005 and 'The Hindu' dated 24.12.2005 and now notice under Section 3D(1) of the Act was issued. It is also submitted that the Central Government had issued a notification on receipt of the report from the competent authority. Thereafter a notice under Section 3G(3) of the Act was issued for the purpose of assessing the land value and value of improvements. In view of the non-filing of objections to the notifications it is not possible to interfere with the proceedings initiated by the National Highway Authorities. There is no merit in the Writ Petition. It is only to be dismissed.

In the result, Writ Petition is dismissed.

K. PADMANABHAN NAIR
JUDGE

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